IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2183 OF 1993

Century Enka Limited .. Petitioners

vs

Union of India & ors .. Respondents

Mr.R.G.Seth i.b R.G.Seth & Co for Petitioners
Mr.A.S.Rao with Ms.Neeta Masurkar for Respondents

CORAM : Dr.S.Radhakrishnan
and V.C.Daga, JJ

DATE : 27th June, 2007

P.C.

1. Heard learned counsel for the petitioners and respondents.

2. Perused our Judgment in Writ Petition No.1380 of 1994 dated 29th April, 2004. For reasons stated in the said judgment, pertaining to the very same petitioner, following order is passed :

. (i) The order dated 27th April, 1994 Exhibit G passed by the Assistant Collector of Customs, RO.Cell, Mumbaiis quashed and set aside.

(ii) The petitioner's application for refund of amount of Rs.24,00,891/- is restored to the file of Assistant Collector of Customs,

R.O. Cell, Mumbai for fresh consideration in accordance with law.

(iii) Until the petitioners' refund application is decided afresh by the Assistant Collector of Customs, R.O.Cell, Mumbai and for a period of twelve weeks thereafter the Bank Guarantee and the personal bond furnished by the petitioners pursuant tothe interim order dated 3rd August, 1994 shall be kept alive by the petitioners.

(iv) In case the petitioners 'refund aplication is ultimately rejected the petitioners shall be liable to pay interest at the rate of 8 % per annum from the date of withdrawal of the amount as per the order dated 3rd August 1994 until such payment is made. The respondents shall also be entitled to encash the Bank guarantee and enforce the personal bond in the event the refund application is rejected.

(V.C.Daga, J) (Dr.S.Radhakrishnan, J)